

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

OPTICAL DEVICES, LLC,

Plaintiff,

V.

MEDIATEK, INC. AND MEDIATEK USA,
INC.,

Defendants.

Civil Action No. _____

COMPLAINT FOR PATENT INFRINGEMENT

JURY TRIAL DEMANDED

1. Plaintiff Optical Devices, LLC (“Optical Devices” or “Plaintiff”), by and through its attorneys, hereby demands a jury trial and complains of Defendants MediaTek, Inc. and MediaTek USA, Inc. (“Defendants”) as follows:

2. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 271, *et seq.*, to obtain injunctive relief and damages resulting from Defendants' unauthorized manufacture, use, sale, offer to sell, and/or importation into the United States of products that infringe one or more claims of United States Patent No. 8,416,651 ("the '651 Patent," attached as Exhibit A) (the "Asserted Patent").

3. This is an action for direct infringement. On information and belief, Defendants manufacture, use, sell, offer for sale, and/or import into the United States products that infringe the Asserted Patent either literally or under the doctrine of equivalents.

4. Plaintiff seeks injunctive relief to prevent Defendants from continuing to infringe Plaintiff's patent. In addition, Plaintiff seeks to recover monetary damages resulting from Defendants' infringement of this patent.

THE PARTIES

5. Plaintiff Optical Devices is a Delaware limited liability company having a place of business at 20 Depot Street, Suite 2A, Peterborough, New Hampshire 03458.

6. Plaintiff is the lawful assignee of all substantial rights, title, and interest in and to the Asserted Patent.

7. Upon information and belief, Defendant MediaTek, Inc. is a Taiwanese corporation having a place of business located at No. 1, Dusing Rd. 1, Hsinchu Science Park, Hsinchu City 30078, Taiwan.

8. Upon information and belief, Defendant MediaTek USA, Inc. is a wholly owned subsidiary of MediaTek, Inc. MediaTek USA, Inc. is a Delaware corporation having a place of business located at 2860 Junction Avenue, San Jose, California 95134. MediaTek USA, Inc.'s registered agent for service of process is The Corporation Trust Company, Corporation Trust Center, 1209 Orange St., Wilmington, DE 19801.

9. Plaintiff has been and will continue to be irreparably harmed by Defendants' infringement of the Asserted Patent. Moreover, Defendants' unauthorized and infringing uses of Plaintiff's patented systems and methods have threatened the value of this intellectual property because Defendants' conduct results in Plaintiff's loss of its lawful patent rights to exclude others from making, using, selling, offering to sell, and/or importing the patented inventions.

10. Defendants' disregard for Plaintiff's property rights threatens Plaintiff's relationships with potential licensees of Plaintiff's patents, including the Asserted Patent. The Defendants will derive a competitive advantage over any of Plaintiff's current and future licensees from infringing Plaintiff's patented technology.

JURISDICTION AND VENUE

11. This Court has subject matter jurisdiction over this patent infringement action pursuant to 28 USC §§ 1331 and 1338(a).

12. Upon information and belief, Defendants are subject to personal jurisdiction in the state of Delaware because they individually, or through one or more subsidiaries or affiliates, transact business in this judicial district and/or regularly conduct or solicit business in this judicial district by, among other things, selling and offering products for sale, including products infringing the Asserted Patents, or deriving substantial revenue from products used or consumed in this judicial district, including products infringing the Asserted Patents. In addition, Defendants have committed acts of infringement of one or more of the claims of one or more of the Asserted Patent in this judicial district. MediaTek USA, Inc. is also registered to do business in the State of Delaware and so is subject to jurisdiction for this additional reason.

13. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b) because Defendants are subject to personal jurisdiction in this district, and have committed acts of infringement in this district. Venue is also proper in this judicial district because MediaTek, Inc. is an alien and because MediaTek USA, Inc. is incorporated in the State of Delaware.

COUNT I
(Infringement of United States Patent No. 8,416,651)

14. Paragraphs 1 through 13 are incorporated by reference as if fully restated herein.

15. Upon information and belief, Defendants directly infringe the '651 Patent, either literally or under the doctrine of equivalents, by making, using, selling, offering to sell,

and/or importing into the United States products that comprise or contain invention(s) claimed in the '651 Patent. Upon information and belief, Defendants make, use, sell, offer for sale, and/or import products including, but not limited to, integrated circuits and chipsets for optical disc drives, such as the MT1805LN chip, that directly infringe one or more of the claims of the '651 Patent. Upon information and belief, Defendants practice one or more method claims of the '651 Patent.

16. Defendants' wrongful conduct has caused Plaintiff to suffer irreparable harm resulting from the loss of its lawful patent rights to exclude others from making, using, selling, offering to sell, and importing the patented inventions.

17. Plaintiff is entitled to injunctive relief to prevent any further acts of infringement of the Asserted Patent by Defendants.

18. Plaintiff is entitled to recover damages adequate to compensate for the infringement.

WHEREFORE, Plaintiff prays for judgment against the Defendants, granting Plaintiff the following relief:

A. That this Court adjudge and decree that Defendants have infringed the Asserted Patent;

B. That this Court permanently enjoin Defendants, and their parents, subsidiaries, affiliates, successors and assigns, and each of their officers, directors, employees, representatives, agents, attorneys and all persons acting in concert or active participation with, or on their behalf, or within their control, from making, using, selling, offering to sell, importing, or

advertising products that infringe any of the claims of the Asserted Patent, or otherwise engaging in acts of infringement of the Asserted Patent, all as alleged herein;

C. That this Court order an accounting, including a post-verdict accounting, to determine all damages and costs to be awarded Plaintiff as a result of Defendants' infringement;

D. That this Court, pursuant to 35 U.S.C. § 284, enter an award to Plaintiff of such damages as it shall prove at trial against Defendants that is adequate to compensate Plaintiff for said infringement; said damages to be no less than a reasonable royalty and costs;

E. That this Court assess pre-judgment interest and costs against Defendants, together with an award of such interest and costs;

F. That this Court grant such other, further, and different relief as the Court may deem just and proper under the circumstances.

JURY DEMAND

Plaintiff demands a trial by jury of all matters to which it is entitled to trial by jury pursuant to Fed. R. Civ. P. 38.

Dated: September 3, 2013

Respectfully submitted,

/s/ James G. McMillan, III

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